



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,324	01/11/2002	Yoshiki Ishii	03560.002979	4439

5514 7590 07/10/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

DANG, HUNG Q

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,324

Applicant(s)

ISHII, YOSHIKI

Examiner

Hung Q. Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7-9, 15, 19-27, 30, 31, 37, 38, and 43 ^{and 47-49} is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed. ^{1 and 47-49}
- 6) ☐ Claim(s) 1, 7-9, 15, 19-27, 30-31, 37-38, and 43 is/are rejected. ¹
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/16/2007 has been entered.

Response to Arguments

Applicant's arguments filed 05/16/2007 have been fully considered.

Regarding independent claims 1, 15, and their dependent claims, new ground of rejection is applied.

Regarding to claim 21, at page 18, Applicant argues that Sakai teaches or suggests no section on which the modification processing is not performed in the modified information data. In response, the Examiner respectfully disagrees. In a preferred embodiment, Sakai does not store the edited result to the disk (column 10, lines 45-48; column 12, lines 50-52). Sakai stores only the video data corresponding to the transition periods or the cuts (column 9, lines 51-55; column 10, lines 21-24; "cuts X1, X2" in Fig. 4G). In other words, in the preferred embodiment, the modified information data disclosed by Sakai contains only sections, which correspond to those inside transition periods, on which the modification is performed. In column 15, lines 22-24, Sakai says however, "this is not limitative of the invention. Alternatively, the result of

the editing associated with the transition period may be recorded to the optical disk etc."

Refer to such a result of the editing associated with the transition period in Fig. 4G., which is in this case the modified information data. It contains sections a, b, and c, on which modification processing is not performed and sections X1 and X2, on which modification processing is performed. In this embodiment, the section information is embedded in the editing list itself. Specifically, for sections that a presence of a transition mode is recorded (column 9, lines 56-62), the modification processing is indicated as performed. And for sections that a presence of a transition mode is not recorded, the modification processing is indicated as not performed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 15, 19, 20-24, 27, 30-31, 38, 43, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (US Patent 6,658,196) and Takeuchi (US Patent 5,721,856).

Claims 1 and 31 recite an apparatus and a method for processing information data in a recording medium and playback description data, comprising: (1) modified information data processing means and step for newly generating modified information data by using part of the information data; (2) description data processing means and step for modifying the playback procedure and modifying the content of the playback

description data; wherein (3) the playback description data comprises playback time information indicating a playback start time or a playback end time of the information data; and (4) the description data processing means changes the playback start time or the playback end time according to a playback time of the modified information data; and further generates restoration time information indicating an amount of change of the playback start time or the playback end time and adds the restoration information to the playback description data; (5) deleting means for deleting the modified information data from the recording medium in response to a deletion instruction; wherein (6) said description data processing means restores the playback procedure such that the part of the information data is played back instead of the modified information data in response to the deletion instruction of the modified information data, and said description data processing means changes the playback start time or the playback end time according to the restoration information to restore the playback time information.

Sakai et al. disclose an editing apparatus and a method for editing video signals recorded on an optical disk, comprising: (1) modified information data processing means or step for newly generating modified information data by using part of the information data ("data expansion circuit", "effector", "data compression circuit" in Fig. 1, column 9, lines 36-50; column 14, lines 34-40, 55-61); (2) description data processing means or step for modifying the playback procedure and modifying the content of the playback description data ("system control circuit" in Fig. 1; column 9, lines 56-67); wherein (3) the playback description data comprises playback time information indicating a playback start time or a playback end time of the information data (column

12, line 62 – column 13, line 21; column 3, lines 18-21; column 7, line 63 – column 8, line 13; column 12, lines 18-26); and (4) the description data processing means changes the playback start time or the playback end time according to a playback time of the modified information data (column 12, lines 62-65), and further generates restoration time information indicating an amount of change of the playback start time or the playback end time and adds the restoration information to the playback description data (column 9, lines 36-37, 57-58); (5) a modification means for modifying the modified information data on the recording medium in response to a modification instruction (column 9, lines 32-35; column 12, lines 33-42, 50-52); wherein (6) said description data processing means restores the playback procedure such that the part of the information data is played back instead of the modified information data in response to modification instructions (by changing the “transition period” to zero and/or altering editing points in column 9, lines 32-35; column 12, lines 33-42, 50-52), and said description data processing means changes the playback start time or the playback end time according to the restoration information to restore the playback time information (column 9, lines 32-35; column 12, lines 33-42, 50-52).

However, Sakai et al. do not disclose the modification means to be a deleting means for deleting the modified information data from the recording medium in response to a deletion instruction.

Takeuchi discloses a deleting means for deleting the modified information data from the recording medium in response to a deletion instruction (column 4, lines 41-32; column 18, lines 62-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the deleting means disclosed by Takeuchi into the apparatus disclosed by Sakai et al. to delete files that are no longer wanted. The incorporated feature would provide a better file management system for the apparatus; thus enhancing its user interface.

Claims 15 and 43 recite an apparatus and a method for processing playback description data containing an information data object having playback time information indicating a playback start time or a playback end time of the information data recorded in a recording medium, designating a playback operation of information data and indicating a playback procedure of the information data, comprising: (1) instruction means and step for modifying the playback procedure such that modified information data generated by using part of the information data is played back instead of the part of the information data; (2) recording means for recording the modified information data in the recording medium; (3) description data processing means and step for changing the playback start time or the playback end time indicated by the playback time information data object according to a playback time of the modified information data, and adding restoration time information indicating an amount of change of the playback start time or the playback end time the information data object; wherein said description data processing means adds, according to the modified playback procedure, a modified information data object designating a playback operation of the modified information data to the playback description data; (4) deleting means for deleting the modified information data from the recording medium in response to a deletion instruction;

wherein (5) said description data processing means deletes the modified information data object from the playback description data to restore the playback procedure such that the part of the information data is played back instead of the modified information data in response to the deletion instruction of the modified information data, and wherein said description data processing means changes the playback start time or the playback end time according to the restoration information to restore the playback time information.

Sakai et al. disclose an apparatus and a method for processing playback description data containing items designating cuts of transition periods (column 9, lines 59-62), which are information data object having playback time information indicating a playback start time or a playback end time of the information data recorded in a recording medium (column 3, lines 18-21; column 7, line 63 – column 8, line 13), designating a playback operation of information data and indicating a playback procedure of the information data, comprising: (1) instruction means and step for modifying the playback procedure such that modified information data generated by using part of the information data is played back instead of the part of the information data ("system control circuit" in column 10, lines 38-48); (2) recording means for recording the modified information data in the recording medium (column 9, lines 51-55); (3) description data processing means and step for changing the playback start time or the playback end time indicated by the playback time information data object according to a playback time of the modified information data, and adding restoration time information indicating an amount of change of the playback start time or the

playback end time the information data object ("system control circuit" in column 9, lines 56-67); wherein said description data processing means adds, according to the modified playback procedure, a modified information data object designating a playback operation of the modified information data to the playback description data (with modified information data object being "items" in column 9, lines 56-67); (5) a modification means for modifying the modified information data on the recording medium in response to a modification instruction (column 9, lines 32-35; column 12, lines 33-42, 50-52); wherein (5) said description data processing means modifies the modified information data object from the playback description data to restore the playback procedure such that the part of the information data is played back instead of the modified information data in response to the modification instruction of the modified information data (by altering editing points in column 9, lines 32-35; column 12, lines 33-42, 50-52), and wherein said description data processing means changes the playback start time or the playback end time according to the restoration information to restore the playback time information (column 9, lines 32-35; column 12, lines 33-42, 50-52).

However, Sakai et al. do not disclose the modification means to be a deleting means for deleting the modified information data from the recording medium in response to a deletion instruction.

Takeuchi discloses a deleting means for deleting the modified information data from the recording medium in response to a deletion instruction (column 4, lines 41-32; column 18, lines 62-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the deleting means disclosed by Takeuchi into the apparatus disclosed by Sakai et al. to delete files that are no longer wanted. The incorporated feature would provide a better file management system for the apparatus; thus enhancing its user interface.

Claims 9 and 38 recite the information data to include encoded moving image data, and the modified information data processing means or step comprising decoding means or step for decoding the moving image data, combining processing means or step for performing a combining processing on a plurality of items of moving image data decoded by the decoding means, and an encoding means or step for encoding moving image data obtained by the combining processing to thereby generate the modified information data.

Sakai et al. disclose the information data to include encoded moving image data (column 9, lines 9-16), and the modified information data processing means or step comprising decoding means or step for decoding the moving image data ("channel decoding circuit 20" in Fig. 1), combining processing means or step for performing a combining processing ("system control circuit 15" and "effector 8" in Fig. 1; column 9, lines 36-43) on a plurality of items of moving image data decoded by the decoding means or step, and an encoding means or step for encoding moving image data obtained by the combining processing to thereby generate the modified information data ("compression circuit 7" in Fig.1; column 9, lines 44-49).

Claims 19 and 47 recite said description data processing means and step that adds modified information data ID information for identifying the modified information data to the modified information data object.

Sakai et al. disclose the description data processing means and step to add a transition mode, which is the modified information data ID information, for identifying the modified information data to the modified information data object (column 9, lines 59-62).

Claims 20 and 48 recite said description data processing means and step to add information indicating the type of modification processing performed on the modified information data as an attribute of the modified information data ID information.

Sakai et al. disclose the description data processing means and step for adding information indicating the type of modification processing performed on the modified information data as an attribute of the modified information data ID information (column 6, lines 37-39; column 9, lines 59-62).

Claims 21 and 49 recite a recording apparatus and a data processing method comprising: (1) description data generation means for, and a step of, generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data, the information data having a section on which the modification processing is not performed and a section on which the modification processing is performed; (2) section information generating means, and a step of, for generating section information indicating the section of the modified

information data where the modification processing has been performed in the modified information data; and (3) recording means for recording the playback description data and the section information on a recording medium and an output processing step of outputting the playback description data and the selection information to the recording means.

Sakai et al. disclose a recording apparatus and a data processing method, comprising: (1) description data generation means for, and a step of, generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data (column 9, lines 56-67), the modified information data having a section on which the modification processing is not performed and a section on which the modification processing is performed (column 9, lines 17-20; column 15, lines 22-23; Fig. 4G); (2) section information generation means for, and a step of, generating section information indicating a section of the modified information data where the modification processing has been performed in the modified information data (column 8, lines 45-49 and 56-60; see the "Response to Arguments" above); and (3) a recording means for recording the playback description data and the section information in a recording medium and an output processing step of outputting the playback description data and the selection information to the recording means (column 10, lines 49-52).

Claim 22 recites the section information being recorded by being incorporated into the playback description data, which is anticipated by Sakai et al. (column 9, lines 56-67; column 10, lines 49-52).

Claim 23 recites the information data to include image data, the modification processing to include a special effect processing on the image data, and the section information to include a start time or end time of the special effect processing within the modified information data.

Sakai et al. disclose the information data to include video data, which is image data (column 6, lines 30-31), the modification processing to include a special effect processing on the image data (column 6, lines 31-38), and the section information to include a start time or end time of the special effect processing within the modified information data (column 8, lines 56-60).

Claim 24 recites the information data to include image data, the modification processing to include a combining processing for combining the image data and other data, and the section information to include a start time or end time of the combining processing within the modified information data.

Sakai et al. disclose the information data to include image data (column 6, lines 30-31), the modification processing to include a combining processing for combining the image data and other data (column 9, lines 36-39), and the section information to include a start time or end time of the combining processing within the modified information data (column 8, lines 56-60).

Claim 27 recites a display control means for displaying in a display unit, based on the section information, an image representing the section of the modified information data where the modification processing has been performed.

Sakai et al. disclose a display control means for displaying in a display unit, based on the section information, an image representing the section of the modified information data where the modification processing has been performed ("video process circuit 26" in Fig. 1; column 13, lines 19-27).

Claim 30 recites the modified information data having a section on which the modification processing is not performed and a section on which the modification processing is performed; and wherein said description data processing means adds, according to the modified playback procedure, a modified information data object including section information indicating the section where the modification processing is performed in the modified information data, the modified information data object further designating a playback operation of the modified information data to the playback description data.

Sakai et al. disclose the modified information data having a section on which the modification processing is not performed and a section on which the modification processing is performed (column 9, lines 17-20; column 15, lines 22-23; Fig. 4G); and wherein said description data processing means adds, according to the modified playback procedure, a modified information data object including section information indicating the section where the modification processing is performed in the modified information data, the modified information data object further designating a playback

operation of the modified information data to the playback description data (column 8, lines 45-49 and 56-60; see the "Response to Arguments" above).

Claim 7 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (US Patent 6,658,196) and Takeuchi (US Patent 5,721,856) as applied to claims 1, 9, 15, 19, 20-24, 27, 30-31, 38, 43, and 47-49 above, and further in view of Ferster (US Patent 5,559,562).

Claim 7 recites the information data comprising encoded moving image data, and the description data processing means or step modifying the content of the playback description data such that a playback start position or playback end position of the moving image data after the modification of the playback procedure corresponds to a boundary between units of encoding in the moving image data.

Claim 25 recites the information data being encoded, the modified information data being generated by using the encoding units as processing units, and the section where the modification processing is performed being determined independently of the processing units.

See the teachings of Sakai et al. and Takeuchi above.

Furthermore, Sakai et al. also disclose the information data being encoded (column 8, lines 63-65), and the section where the modification processing is performed being determined independently of processing units (column 8, lines 56-60).

The proposed combination of Sakai et al. and Takeuchi does not disclose the playback start and end positions corresponding to a boundary between units of encoding.

Also the proposed combination of Sakai et al. and Takeuchi does not disclose the modified information data being generated by using the encoding units as processing units.

Ferster discloses that editing positions being at boundary of encoding units (column 3, lines 43-51).

Ferster also discloses that the modified information data being generated by using the encoding units as processing units (column 3, lines 43-47).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Ferster regarding to editing positions being at boundary of encoding units into the editing system taught by Sakai et al. and Takeuchi because doing such would make editing much easier since, according to Ferster, who uses MPEG-2 encoding for illustration, editing can only occur at key frame, which marks the boundary of encoding units, in accordance with corresponding encoding scheme (column 3, lines 1-3).

Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent of unexpected results to the contrary.

Claim 8, 26, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (US Patent 6,658,196) and Takeuchi (US Patent 5,721,856) as applied to claims 1, 9, 15, 19, 20-24, 27, 30-31, 38, 43, and 47-49 above, and further in view of Kajimoto (US Patent 5,974,220).

Claims 8 and 37 recite the description data processing means or step modifying the content of the playback description data such that a playback start position or playback end position of the information data after the modification of the playback procedure correspond to units of access on the recording medium.

Claim 26 recites the modified information data is generated by using the access units of a recording medium in which the information data is recorded, and the section where the modification processing is performed is determined independently of the processing units.

See the teachings of Sakai et al. above, including the information data being recorded in a recording medium (column 9, lines 44-51) and the description data processing means modifying the content of the playback description data (column 9, lines 54-67).

Furthermore, Sakai et al. disclose the modified information data is generated (column 9, lines 36-50) and the section where the modification processing is performed being determined independently of processing units (column 8, lines 56-60).

The proposed combination of Sakai et al. and Takeuchi does not disclose the playback start and end positions corresponding to units of access on the recording medium.

Also the proposed combination of Sakai et al. and Takeuchi does not disclose the modified information data to be generated by using the access units of a recording medium.

Kajimoto discloses a method of editing video information, which uses an editing information where editing time positions, which are playback start and end position, correspond to units of access on the recording medium (column 16, lines 37-50).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the features of the editing apparatus including the concept of editing time positions, which are playback start and end position, correspond to units of access on the recording medium taught by Kajimoto to the editing system disclosed by Sakai et al. and Takeuchi because, so doing, helps elimination of the problem of playback discontinuity demonstrated by prior art (column 10, lines 29-31; column 18, lines 53-56; column 19, lines 51-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
Patent Examiner



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 2600